

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)
[NAME REDACTED]) **No. 24 AA 46**
APPLICANT FOR THE POSITION OF)
PROBATIONARY POLICE OFFICER,) **(Applicant No. [redacted])**
CITY OF CHICAGO.)

FINDINGS AND DECISION

[Name redacted] (hereinafter “Applicant”) applied for a probationary police officer position with the City of Chicago. In a letter dated June 25, 2024, the Office of Public Safety Administration gave Applicant written notice of its decision to remove Applicant from the list of eligible applicants for this position (“Eligibility List”) due to the results of a background investigation, along with the reason(s) for the disqualification decision and the process for appeal. In support of its decision, Department attached the Applicant Background Investigation Disqualification (“Background Investigation Report”) in which Department cited conduct it alleged formed the bases of Disqualifications Based on Criminal Conduct - Other Conduct - (1) Conduct Indicating Dishonesty and (2) Violent Tendencies, (3) Military History; and (4) Other Conduct under its Pre-Employment Disqualification Standards for Applicants for the Position of Police Officer (“Disqualification Standards”) (Collectively, "Notice").

In two emails dated July 25, 2024, Applicant appealed the disqualification decision to the Police Board by filing a written request seeking to 1) specify why the Department of Police (hereinafter referred to as “Department”) erred in the factual determinations underlying the disqualification decision *and/or* 2) bring to the Police Board’s (“Board”) attention additional facts directly related to the reason(s) for the disqualification decision, pursuant to Section 2-84-035(b) of the Municipal Code of Chicago (“Appeal”). Department filed a Response November 6, 2024

and a Reply filed November 7, 2024.

APPEALS OFFICER'S FINDINGS, CONCLUSIONS, AND RECOMMENDATION

Appeals Officer Laura Parry, as a result of a review of the above material, submits the following findings of fact, conclusions of law, and recommendation to the Police Board.

According to the Notice, Applicant was removed from the Eligibility List for the following:

Basis #1

IV-B. Disqualification Based on Criminal Conduct

...

“7. Other Criminal Conduct

...

b. Conduct Indicating Dishonesty

(1) "Credibility, honesty and veracity are extremely important characteristics for a police officer to possess on and off duty. Honesty is required to ensure the integrity of police operations and investigations and to protect the public and maintain its trust in the police. The pre-employment investigation therefore looks for information that shows that the applicant has a reputation or propensity for truthfulness, is believable and has a personal history free from deceit or fraud."

(2) "Any conduct demonstrating a reputation or propensity for dishonesty may be grounds for disqualification. **Conduct demonstrating a propensity for dishonesty includes but is not limited to conduct that would constitute embezzlement; forgery; false impersonation; identity theft; bribery; eavesdropping; computer crimes; fraud; money laundering; deceptive practices; or perjury.**"

(3) "As noted above, an applicant who has engaged in any act falling within the scope of this section that constitutes a felony will be found unsuitable for employment. An applicant who has engaged in any act falling within the scope of this section that constitutes a misdemeanor within the last three (3) years (from the date of PHQ submission), or more than one (1) time in his or her life, may be found unsuitable for employment."

(Background Investigation Report, p. 1-2)

Department noted that it copied the exact language from the case incident report.

Department cited the following conduct, in summary:

January 4, 2018 (Report Date) Deceptive Practice - Financial Identity Theft Over \$300.

Complainant/alleged victim reported in person to the police district office that Applicant, her then employee who worked in her home, stole a check from her house while she was on vacation and

paid himself \$2000 USC, which she discovered when reviewing her bank statement and after Applicant no longer worked for her. Complainant reported she had her bank statement and copy of the check. At the time of the report Applicant had disconnected his phone. It was noted "THIS IS A SUSPENDED CASE REPORT." The report also noted that the case was suspended pending receipt of documents from the complainant after a phone call to complainant on January 15, 2018. (Background Investigation Report, p. 2)

Basis #2

[IV-B. Disqualification Based on Criminal Conduct]

...

[7. Other Criminal Conduct]

...

c. Conduct Indicating Violent Tendencies, in relevant part

"Police officers are required to act reasonably and professionally at all times and to maintain control over their emotions in the exercise of their duty. These qualities are vital to a police officer's ability to protect the public and its trust in the police. Applicants who have demonstrated a propensity for violence do not meet those requirements. Therefore, any conduct demonstrating a propensity for violence will be grounds for disqualification. Conduct demonstrating a propensity for violence includes but is not limited to[] conduct which would constitute murder; kidnapping; sex offenses; assault; battery; aggravated battery; offenses against property; robbery; domestic violence; stalking; disorderly conduct; and mob action. As noted above, an applicant who has engaged in any act falling within the scope of this section that constitutes a felony will be found unsuitable for employment."

...

"An applicant who has engaged in any act falling within the scope of this section that constitutes a misdemeanor with the last three (3) years (from the date of PHQ submission), or more than one (1) time in his or her life, will be found unsuitable for employment."

(Background Investigation Report, p. 2-3)

Department noted that it copied the exact language from the case incident report.

Department cited the following conduct, in summary:

June 6, 2010 - Domestic Battery Simple. Applicant's father reported Applicant had choked him earlier in the day. Responding Officer ("R/O") reported no visible injuries, and no medical attention was wanted. R/O reported the father told him this had happened several other times.

Applicant was arrested June 7, 2010 as a juvenile. Subsequent to court appearance the case was classified "CLEARED CLOSED (ARREST & PROSECUTION)". (Background Investigation Report, p. 3). The original case report was not provided.

Basis #3

IV-B. Disqualification Based on Military History

"Police officers are required to follow workplace rules and obey orders in a high-pressure and often dangerous environment. An applicant who has received a Dishonorable Discharge or Bad Conduct Discharge from the United States Armed Forces or the National Guard or State Militia has demonstrated his or her inability to work in such a setting and therefore will be found unsuitable for employment. An applicant who has received a discharge with other characterizations may be found unsuitable for employment based on the nature of the underlying offense."

(Background Investigation Report, p. 4)

Department cited the following conduct, in summary:

Applicant's discharge was listed as "General (Under Honorable Conditions)" with a narrative that the reason for separation was a "Pattern of Misconduct." According to the Background Investigator, the Navy Separation Code "JFA" was listed and is associated with "an erroneous entry (various types)" and used when a discharge is due to an error made during the enlistment process such as administrative errors or misrepresentations at the time of enlistment that are later discovered and necessitate discharge. It is reported to also include situations where the individual did not meet eligibility requirements but wasn't discovered until later "such as medical conditions, legal issues, or fraudulent enlistment, which are discovered after they have already entered the service." It was reported Applicant's re-entry code is "RF-4" which, according to the Background Investigator, typically means the individual is not recommended for re-enlistment. Reasons include, but are not limited to, performance, disciplinary problems, and medical issues. (Background Investigation Report, p. 4)

Basis #4

IV.H. Disqualification Based on Other Conduct

1. "Police officers are required to show respect for authority, uphold the law, and defend the dignity and rights of the public. Therefore, any applicant who has engaged in conduct that exhibits a pattern of repeated abuse of authority; lack of respect for authority or law; lack of respect for the dignity and rights of others; or a combination of traits disclosed during the pre-employment investigation that would not by themselves lead to a finding that an applicant is unsuitable for employment, but when taken as a whole, exhibit that the applicant is not suited for employment as a police officer, will be found unsuitable for employment."
(Background Investigation Report, p. 5)

Department cited the following conduct, in summary:

Applicant repeatedly contacted the Department and Police Board after he was told in a phone call by the Background Investigator that Applicant was disqualified and should follow the directions for appeal that he would receive in a Disqualification Letter. There were 12 such emails on nine (9) different days. Some of the contacts included attempts to appeal to the Department outside of the designated process, while others were repeated inquiries as to when he should expect the letter. Responses told him his letter was in process but others were ahead of him. Verbatim accounts of the contacts were provided. The contacts were as follows, in summary:

April 11, 2024 - Initial call from Investigator to Applicant telling him of disqualification based on military history and advising him to follow the procedures set out in the Disqualification Letter when he received it to appeal.

April 12, 2024 - Applicant emails Background Investigator explaining in five paragraphs why his discharge should not be considered disqualifying and attaches a copy of VA card and VA Discharge Letter

April 15, 2024 - Applicant again emails Background Investigator in one long paragraph explaining why he should not be disqualified.

April 15, 2024 - Background Investigator responds in an email to Applicant referencing the April 11th phone conversation and noting, "As advised, once you received your notice, you can present your case to the board."

April 18, 2024 - Applicant, for the third time since the April 11th phone conversation emails Background Investigator -- this time requesting his investigation file.

April 18, 2024 - Background Investigator replies to Applicant in an email, requesting Applicant's cooperation in the process, explaining it was established to be fair to all individuals appealing their cases and informing Applicant that he does not disseminate investigation files and emphasizing "it is crucial to adhere to the established procedures to ensure equity and integrity within our recruitment process."

April 18, 2024 - Applicant responds to Background Investigator via email thanking him and noting, "I understand."

May 19, 2024 - Applicant emails the Office of Police Board, addressing it to "CPD Police" asking whether he can submit his appeal or be advised on what happens next in order to appeal the discharge the Background Investigator called him about on April 11, 2024.

May 20, 2024 - Office of Police Board ("Office") responds to Applicant via email advising him that the Disqualification Letter was not yet in the file which means that it likely has not yet been sent, explaining it will advise him of his right to appeal and the contact information, and alternatively if he has a copy of a letter or correspondence regarding disqualification to forward it to the Office for review or to contact Background Investigator's supervisor ("Supervisor") at the Department with specific questions about the specific letter if he has received one, and to contact the Office if there was no response from Supervisor within a couple of days.

May 20, 2024 - Applicant responds in an email thanking Office and then asking to clarify whether a letter went out but was not a disqualification based on background investigation or whether there was no letter at all. He stated that he had not received any letter.

May 20, 2024 - Office responds via email to Applicant explaining letters are sent to applicants who have been disqualified due to the background investigation, and that if a letter suggests reaching out to Police Board to appeal then he would contact Office for that process.

May 20, 2024 - Applicant responds with an email of thanks and notes he will contact Supervisor.

May 20, 2024 - Applicant emails Supervisor at Department, again explains why his military record should not disqualify him, claiming that even though he received reprimands during his service which he disclosed they did not have anything to do with his ability to carry out his duties, that he offered the Background Investigator letters of "vital character references to support [his] claims," pointing out that it was 40 days since he received a telephone call advising him of his disqualification but that he had not received any letters, that he also emailed the Police Board regarding letter and was told to contact Supervisor, noting his attorney was requesting info to start an appeal. He requested a copy of the Disqualification Letter.

May 24, 2024 - Applicant emails the Office letting them know he did not hear back from Supervisor and asks for more advice.

May 31, 2024 - Applicant again emails Supervisor asking when he could expect the Disqualification Letter and noting that he understood Supervisor was probably busy processing other qualified applicants.

June 1, 2024 - Supervisor responds to Applicant via email advising his disqualification was being processed.

June 1, 2024 - Applicant emails Supervisor back, again asking when he should expect the Disqualification Letter.

June 6, 2024 - Applicant again emails Supervisor asking when he can expect his Disqualification Letter and again noting Supervisor was probably busy processing "other qualified applicants."

Background Investigator concluded with why the conduct was disqualifying:

"Applicant's persistent contact with this department demonstrates a disregard for the disqualification process and an unwillingness to follow the instructions provided. This non-compliance is taken seriously, as adherence to protocol and respect for procedures are critical components of the values upheld by the Chicago Police Department. It is imperative that all applicants respect the decision-making process and the instructions given by our office. Failure to comply with these directives not only disrupts our operations but also reflects poorly on the applicant's ability to adhere to the standards expected of potential members of the Chicago Police Department." (Background Investigation Report, p. 11)

Department additionally referenced allegations of theft from a previous employer, evidence of violent tendencies and Pattern of Misconduct listed as part of Applicant's military discharge that raises significant concerns about Applicant's suitability for a position that "demands the highest standards of integrity, responsibility, and professionalism," noting the "serious nature of these findings."

(Background Investigation Report, p. 5-11)

For reference, Applicant was born in July 1993. (Background Investigation Report, p. 1)

Appeal

The following is a summary.

Appeal. **Alleged Theft/Fraud.** Applicant denied any wrongdoing regarding the \$2,000 paid by check to him, explaining that it was for services rendered as an independent contractor for the claimant/alleged victim who then wanted to not pay him by claiming Applicant had committed fraud and stolen the money. Applicant argued that if Department had asked him about it during the process he would have explained it, but that the Disqualification Letter he received was the first he had heard of the allegation, or any police report filed naming him as a suspect. He also argued Investigator should have done more to investigate the alleged victim, the claims made and asked for proof from the alleged victim. Applicant provided printouts of alleged texts between

him and the complainant, in summary, showing the alleged victim did not like the work that was done and didn't think she should have to pay him, subsequently declaring the check she gave him fraudulent and stopping payment on the check that Applicant was given, telling Applicant that if he didn't stop contacting them she would go to the police. Applicant told the complainant she should have told him she didn't like the work before she fired him and that she never told him at any point that she had a problem with the work being done. (Appeal and Attachments)

Military History. As to his military history, Applicant asserts he did not receive a Dishonorable Discharge, Bad Conduct Discharge or Other than Honorable Discharge, but rather a General Discharge (Under Honorable Conditions) and that the charges levied against him were not related to workplace conduct or performance. Applicant wrote that he is currently working towards upgrading his discharge to a “full Honorable Discharge” and removing “derogatory marks” cited as “PATTERN OF MISCONDUCT,” and other alleged mistakes on his discharge paperwork (for which documents of appeal to the Naval Discharge Review Board was provided (Appeal Attachments)). Applicant wrote that when Department disqualified him, he began to investigate why he had been administratively discharged for misconduct before any formal hearing from the military. Applicant stated he hired an attorney and that his counsel determined it was based on charges of reckless operation of a motorized vehicle without a license or insurance, leaving the scene of an accident, and disobeying an order by the command. Applicant noted letters provided as Attachments in the Appeal from coworkers and direct supervisors during his U.S. Navy service support the proposition that Applicant was being pressured to get a divorce by one of his superiors. Applicant wrote that he was “ridiculed” by the Chief Petty Officer he confided in during Applicant’s separation from marriage when the CPO was “gossiping” about his personal life to “the command.” Applicant claimed that he “was then ordered to get divorced and was sent

up to "Captains Mass" also known as NJP (non-judicial punishment) or reprimand for disobeying an order. A letter from Applicant's direct command officer on Navy letterhead was provided that supported Applicant's account. The command officer attested to the fact Applicant was given an unlawful order to get a divorce from a tumultuous marriage and when Applicant did not get the divorce he was reprimanded (Letter in Support, [Name redacted]). Applicant asserted that as to the accident which was related to alleged conduct of reckless operation of a motorized vehicle without a license or insurance and leaving the scene of an accident, he was acquitted of all charges in the State of California (where the incident occurred). Applicant stated that when he went before the NJP he asserted his innocence, but that the "command did not care and blamed the accident on the applicant" "prematurely" because of the recent expiration of his Navy-mandated Motorcycle Safety Course (which Applicant noted was valid until the Monday after the collision – and which Applicant blamed the timing of the course as having prevented him from renewing before it expired AFTER the incident). Applicant argued that he did not tell the Investigator about the incident because "R/I never questioned the applicant regarding the results [o]f his background investigation. Applicant iterated that he has "maintained his innocence" throughout his time in the Navy and through this background investigation and trial proceedings, and that while the Investigator and Navy asserted there is a "Pattern of Misconduct," Applicant asserted that charges against him were "found to be erroneous in nature" by the state when he was acquitted, which disproves any pattern of misconduct. Applicant asserted that as to actually what happened regarding the traffic collision, he veered off the road after a blind turn to avoid hitting a fallen motorist after a collision occurred between two other motor cycle riders ahead of him. He "flew off the bike" and lost consciousness. He stated that when he awoke, he helped the other motorists, one of the riders allowing him to assist and the other waving him off so that Applicant did not

touch him (which Applicant said he did not make contact with that rider). Applicant stated that he showed his military identification and gave an Illinois license number and left the side of the road “due to dangerous conditions” (in that he did not want to be hit by someone else coming around the blind turn leading up a mountain). Applicant wrote that he was not arrested, but that he was “taken up the road where he was instructed to call someone to pick him up.” In the Letter in Support from his then immediate superior, the superior attested to being at the scene of the collision, noting that Applicant was behind the two other military riders who were involved in the collision and that when the immediate superior testified on Applicant's behalf when Applicant was being blamed for the collision corroborating Applicant's account, the superior was transferred to another ship. (Letter in Support, [Name redacted]). Applicant wrote that in court it was said that even though he did not have physical copies of his driver's license or insurance at the time, he had enough to show his identity and that he did not operate the vehicle without having proof of financial responsibility. Case documentation from California shows that the prosecutor dismissed the charges, and there was no trial or plea. Applicant provided copies of documents of license and insurance (Appeal Attachments). Applicant explained there were no charges pending when he left California in August 2014 although the collision had occurred in May 2014. Documents provided purported to show the date he was released from service (Appeal Attachments). He wrote that he was never given any notice of charges or a court date before he left California and that the police officer wrote his contact information down incorrectly and that the State of California failed to communicate with him when they easily could have seen his marriage dissolution case in the San Diego County clerk's office. He argued that because “the inability for the State of California to follow due process,” he was denied his right to a speedy trial as there was a 10-year delay in letting him know of any charges, and that had he known he would have hired an attorney to handle the

case. Applicant further argued that had the Navy not discharged him early, he would have been in California to answer the charges, clear his name, and then the Navy would not have discharged him. Applicant mentioned a pretrial motion to dismiss and that no warrants were issued against Applicant because no warrants were discovered during his application for a gun permit or during the background investigation. Applicant also claimed the damages he was alleged to have caused were inconsistent with the damages reported by the alleged victim.

Violent Tendencies. Applicant provided a letter from his father with a copy of the father's driver's license which stated that the father was suffering from a chemical imbalance in his brain at the time he made the report to the police that Applicant had choked him. Further, the father wrote that Applicant did not appear in court, that he was released to his parents after the arrest and most importantly, that Applicant never touched or had physical contact with the father when the father made the report. (Letter in Support, [Name redacted]). A letter from the Cook County State's Attorney's Office indicated Applicant was arrested as a juvenile in 2010 for domestic violence, the case was referred to the Office, the Office reviewed the facts of the case and Applicant's record and determined there would be no charges. (Appeal Attachments)

As to the Department, Applicant asserted it acted with prejudice against him in disqualifying him based on his military history, that it did not investigate the underlying circumstances, and that “despite the applicant[‘]s best efforts to improve communication between the Department and himself, he failed, and was ultimately labeled insubordinate as he was accused of failing to adhere to the disqualification standards of the Department.”

Applicant provided additional Letters in Support of that did not address the specific situational facts presented by Department, but did note the writers' experiences with Applicant as being honest and trustworthy. Letters were from two fellow military who served with Applicant and are still in

contact; the director of the hospice facility where Applicant has been employed for about a year; a Department police officer who has known Applicant for 15 years; a work colleague from the Sheriff's Office of three years; and a pastor of 10 years.

Applicant also provided his Illinois Firearm Owner Identification ("FOID") and Concealed Carry License ("CCL") and CCLs from two other states.

Applicant argued that nothing in his history shows "he does not collaborate effectively with others, contravene workplace regulations, perform inadequately, or exhibit irregular attendance... failed to adhere to or maintain professional work standards." He argued that he was discharged erroneously for something he was blamed for but eventually was proven not to have done regarding the motorcycle collision and not obeying an order to get a divorce. He argued that he was honest throughout the process, and that he has shown by a preponderance of evidence that the decision to remove him from the eligibility list was erroneous. (Appeal and attachments)

FINDINGS OF FACT

Department provided its factual basis for the decision to disqualify Applicant and remove Applicant's name from the eligibility list for which Applicant was given the opportunity to file a written appeal specifying why the Department erred in the factual determinations underlying the Department's decision *and/or* provide additional facts directly related to the bases for disqualification.

Conduct Indicating Dishonesty. Department cited as its basis the report in a case that showed the investigation was suspended because the complainant failed to provide proof of theft/fraud requested by police. Applicant credibly explained complainant gave him a check for work he performed. Complainant subsequently declared fraud and canceled the check. It appeared she did

not want to pay him for work that was done, saying she did not like the work and did not think they should pay him. Consequently, Applicant was not paid for his work.

Finding Basis #1: By a preponderance of the evidence Applicant **DID** provide sufficient additional facts directly related to and/or did adequately specify why Department **erred** in its factual determinations as it related to allegations of domestic violence which formed the Basis for Disqualification Based on Criminal Conduct - Other Criminal Conduct - Conduct Indicating Dishonesty.

Conduct Indicating Violent Tendencies. Applicant explained there was no domestic violence. His father, the alleged victim, sent a Letter in Support in which he stated he was experiencing a chemical imbalance during that time. The Cook County State's Attorney's Office explained the case was referred and that after reviewing the facts and Applicant's history it chose not to file charges. The combination of the Applicant's statements and letters from the father and State's Attorney's Office - which are consistent with each other - were credible.

Finding Basis #2: By a preponderance of the evidence Applicant **DID** provide sufficient additional facts directly related to and/or did adequately specify why Department **erred** in its factual determinations as it related to allegations of domestic violence which formed the Basis for Disqualification Based on Criminal Conduct - Other Criminal Conduct - Conduct Indicating Violent Tendencies.

Military History. Department cited Applicant's discharge paperwork as the basis for the disqualification. But the paperwork did not indicate "Dishonorable Discharge" or "Bad Conduct Discharge" as is required for a mandatory disqualification per the Disqualification Standards at IV.E. An applicant who received a discharge with "other characterizations" *may* be disqualified *based on the nature of the underlying* offense. In this case there was no such mention of the

underlying offense or consideration of its nature in the Notice. Applicant took it upon himself to investigate and explain what specific conduct the Navy was referring to by the characterization "PATTERN OF MISCONDUCT" and concluded it was because he did not follow an order to get a divorce, a collision during his duties that he was blamed for causing despite corroboration by his then immediate superior, and not having his driver's license and proof of insurance with him at the time. Applicant credibly explained he veered off the side of the road to avoid the collision that had already happened (and during which he was knocked unconscious). He credibly stated the motorists that collided were fellow service personnel. He credible stated that he moved up the road away from the dangerous blind corner that he described, It did not make sense that he engaged in hit and run conduct, when the people involved were fellow service personnel and witnesses and there is a credible letter from his direct superior at the time on Navy letterhead corroborating Applicant's account. It is true that he did not have his physical driver's license or proof of insurance with him at the time. He left the state when he discharged early not knowing there was a case against him, and which prosecutors chose not to prosecute.

Finding Basis #3: In light of what was presented – Department’s failure to specify in the Notice whether it considered the nature of the underlying alleged offenses or even what they were and Applicant's corroborated accounts of the alleged offenses he guessed it meant, by a preponderance of the evidence Applicant **DID** provide sufficient additional facts directly related to and/or did adequately specify why Department **erred** in its factual determinations as it related to allegations of domestic violence which formed the Basis for Disqualification Based on Military History.

Other Conduct. It is clear from the numerous and repeated email exchanges between Applicant and the Background Investigator, Department's Background Investigation Supervisor and the Office of the Police Board that Applicant was not satisfied with the answers he was getting

as to when he would receive the official Disqualification Letter. It is also clear Applicant attempted to circumvent the procedures for appealing a Disqualification more than once, having been advised repeatedly that he needed to wait for the Disqualification Letter and its instructions. Department determined this repeated contact demonstrated a lack of respect for authority and the rights of others within the integrity of the process provided for appeals, exhibited Applicant is not suited for employment and, according to the Disqualification Standards, will be found unsuitable for employment. Applicant really did not address why he kept arguing his appeal to the Background Investigator and the Supervisor after he was repeatedly told to wait for the Disqualification Letter and its directions therein by the Investigator, Supervisor and Office of Police Board. He was clearly impatient and was not satisfied with the time it took to work through the system. Department explained this conduct demonstrated "disregard for the disqualification process and an unwillingness to follow the instructions," that "adherence to protocol and respect for procedures are critical," and that "[f]ailure to comply with these directives not only disrupts our operations but also reflects poorly on the applicant's ability to adhere to the standards expected of potential members of the Chicago Police Department."

Finding Basis #4: By a preponderance of the evidence, Applicant **DID NOT** provide sufficient additional facts directly related to and/or did not adequately specify why Department **erred** in its factual determinations as to Disqualification Based on Other Conduct.

CONCLUSIONS OF LAW

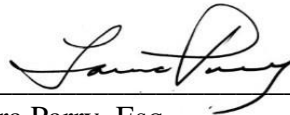
Pursuant to the Municipal Code of Chicago ("MCC") 2-84-030 the standard of review for appeals of disqualification and removal of an applicant's name from the Eligibility List is that Applicant shall show by a preponderance of evidence that Department's decision to remove the applicant from the Eligibility List was erroneous (MCC 2-84-035(c)).

Applicant **DID NOT** show by a preponderance of the evidence that Department erred in its decision to the remove Applicant's name from the Eligibility List for the reasons stated herein.

RECOMMENDATION

Based on the findings and conclusions set forth above, it is recommended that the decision to remove Applicant from the list of eligible applicants for the position of probationary police officer be **AFFIRMED**.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Laura Parry", is written over a horizontal line.

Laura Parry, Esq.
Appeals Officer

Date: December 16, 2024

POLICE BOARD DECISION

The members of the Police Board of the City of Chicago have reviewed the Appeals Officer's findings, conclusions, and recommendation.

The Police Board hereby adopts the Appeals Officer's findings, conclusions, and recommendation by a vote of 9 in favor (Kyle Cooper, Paula Wolff, Claudia Badillo, Steven Block, Mareilé Cusack, Nanette Doorley, Kathryn Liss, Andreas Safakas, and Justin Terry) to 0 opposed.

NOW THEREFORE, IT IS HEREBY ORDERED that the decision to remove **Max [Name redacted]** from the list of eligible applicants for the position of probationary police officer is **affirmed**.

This decision and order are entered by a majority of the members of the Police Board: Kyle Cooper, Paula Wolff, Claudia Badillo, Steven Block, Mareilé Cusack, Nanette Doorley, Kathryn Liss, Andreas Safakas, and Justin Terry.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 19th DAY OF DECEMBER 2024.

Attested by:

/s/ KYLE COOPER
President

/s/ MAX A. CAPRONI
Executive Director